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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,259	12/05/2003	Diane C. Thornton	190250-1780	1176
38823 7590 01/12/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			EXAMINER GEBRESILASSIE, KIBROM K	
			ART UNIT 2128	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/729,259

Applicant(s)

THORNTON ET AL.

Examiner

Kibrom K. Gebresilassie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/23/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to application filed on December 05, 2003.
2. Claims 1-27 are pending.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) is being considered by the examiner.

#### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the receiving logic, a database coupled to the receiving logic, assignment logic coupled to the database, completion logic coupled to the database, and reporting logic coupled to the database must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-9 are rejected under 35 U.S.C. 101 because the receiving logic, a database, assignment logic, and completion logic are just program per se that resides in a TRAKS application 160 (See: page 16 lines 16-23). Because the claimed invention of Claim 1 is a system claim, the claimed invention should have associated with physical components in order to be statutory.

MPEP 2106 states as follows:

*"computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical 'things.' They are neither computer components nor statutory processes, as they are not 'acts' being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions."*

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by

Publication No. US 2004/0236620 A1.

**Claim 1**

Chauhan discloses a drawing conversion management and assignment system, comprising:

receiving logic operable to receive notification of completion of a land base drawing file (such as *...brings up the required work...*; See: paragraph [0081] lines 5-8; Fig. 3A block 303);

a database coupled to the receiving logic, operable to create a drawing conversion job record associated with the land base drawing file (See: paragraph [0081] lines 8-13; Fig. 3A Blocks 304 and 305);

assignment logic coupled to the database, operable to assign the drawing conversion job record to a draftsman and to instruct the database to record the assignment (See: paragraph [0081] lines 24-29); and

completion logic coupled to the database, operable to receive a request to close the drawing conversion job record, and to instruct the database to mark the drawing conversion job record as closed (See: paragraph [0125]).

**Claim 2**

Chauhan discloses the system of claim 1, wherein the database is operable to store a plurality of drawing conversion job records (See: paragraph [0081] lines 13-14; Fig. 3A Blocks 305).

**Claim 3**

Chauhan discloses the system of claim 2, further comprising: reporting logic coupled to the database, operable to enable any of a plurality of users to view the drawing conversion job record (See: paragraph [0081] lines 13-16).

**Claim 4**

Chauhan discloses the system of claim 3, wherein the reporting logic is further operable to provide a summary report of a plurality of available drawing conversion job records, assigned drawing conversion job records, and complete drawing conversion job records (such as *Historical Database*; See: paragraph [0051]).

**Claim 5**

Chauhan discloses the system of claim 3, wherein the reporting logic is further operable to enable any of a plurality of users to view a plurality of assigned drawing conversion job records (See: paragraph [0081] lines 26-29).

**Claim 6**

Chauhan discloses the system of claim 3, wherein the reporting logic is further operable to enable any of a plurality of users to view a plurality of completed drawing conversion job records (See: paragraph [0125]).

**Claim 7**

Chauhan discloses the system of claim 1, wherein the land base drawing file is provided by a regional land administration center (such as *Utility Center*; See: paragraph [0084] lines 1-4).

**Claim 8**

Chauhan discloses the system of claim 7, wherein the land base drawing file is in an engineering work order format (such as *printed maps and reports*; See: paragraph [0081] lines 26-29).

**Claim 9**

Chauhan discloses the system of claim 1, wherein the drawing conversion job record includes an availability date (such as *schedule dates*; See: paragraph [0235]), wirecenter location information (such as *map viewing*; See: paragraph [0098]), a completed date (such as *jobs from beginning to completion*; See: paragraph [0235]), a quartile assignment (such as *...complete daily assignments*; See: paragraph [0119]), and a fiber units allocation (such as *facility location*; See: [0084] lines 20-23).

**Claim 10**

Chauhan discloses a method for assigning and managing drawing conversions, comprising the steps of:

receiving notification that a land base drawing file is available, the land base drawing file being associated with a wirecenter (such as *...brings up the required work...*; See: paragraph [0081] lines 5-8; Fig. 3A block 303);

creating a drawing conversion job record associated with the land base drawing file (See: paragraph [0081] lines 8-13; Fig. 3A Blocks 304 and 305);

storing the drawing conversion job record in a database (See: paragraph [0081] lines 13-14);

assigning the drawing conversion job record to a draftsman (See: paragraph [0081] lines 24-29);

recording the assignment of the drawing conversion job record in the database (See: paragraph [0081] lines 24-26); and

closing the job upon receipt of a close request, by marking the drawing conversion job record as closed in the database (See: paragraph [0125]).

#### **Claims 11 and 20**

The limitations of claims 11 and 20 have already been discussed in the rejection of Claim 2. They are therefore rejected under the same rationale.

#### **Claim 12**

The method of claim 11, further comprising providing a report comprising details for at least the plurality of drawing conversion job records in the database.

#### **Claims 13 and 22**

The limitations of claims 13 and 22 have already been discussed in the rejection of Claim 4. They are therefore rejected under the same rationale.

#### **Claim 14**

Chauhan discloses the method of claim 11, further comprising providing a plurality of unassigned drawing conversion job records to a plurality of users (such as



*proposed database*; See: paragraph [0049]).

**Claim 15**

Chauhan discloses the method of claim 11, further comprising providing a plurality of completed drawing conversion job records to a plurality of users (See: paragraph [0125]).

**Claims 16 and 25**

The limitations of claims 16 and 25 have already been discussed in the rejection of Claim 7. They are therefore rejected under the same rationale.

**Claims 17 and 26**

The limitations of claims 17 and 26 have already been discussed in the rejection of Claim 8. They are therefore rejected under the same rationale.

**Claims 18 and 27**

The limitations of claims 18 and 27 have already been discussed in the rejection of Claim 9. They are therefore rejected under the same rationale.

**Claim 19**

The limitation of claim 19 has already been discussed in the rejection of Claim 10. It is therefore rejected under the same rationale.

**Claim 21**

The limitation of claim 21 has already been discussed in the rejection of Claim 12. It is therefore rejected under the same rationale.

**Claim 23**

The limitation of claim 23 has already been discussed in the rejection of Claim 14. It is therefore rejected under the same rationale.

**Claim 24**

The limitation of claim 24 has already been discussed in the rejection of Claim 15. It is therefore rejected under the same rationale.

***Conclusion***

9. Claims 1-27 are rejected.

10. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

11. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

**Communications**

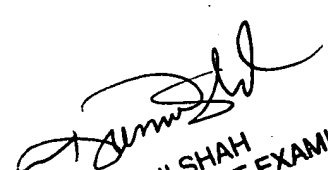
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. J. Leach and M. K. Miles. "Data Integration, Interoperability, and Conversion Services for US Army Corps of Engineers Automated Document Conversion Strategy Initiative." Created as PDF file on August 4, 2003.

b. L. C. Liu. "Design Data Management in a CAD Framework Environment." 1990 IEEE. Pgs. 156-161.

13. Any inquiring concerning this communication or earlier communication from the examiner should be directed to Kibrom K. Gebresilassie whose telephone number is (571) 272-8571. The examiner can normally be reached on Monday-Friday, 8:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Kamini S. Shah can be reached at (571) 272-2279. The official fax number is (571) 273-8300. Any inquiring of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is (571) 272-3700.

Kibrom K. Gebresilassie  
AU 2128

  
KAMINI SHAH  
SUPERVISORY PATENT EXAMINER